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U.S. DISTRICT COURT

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

GUNNAR KAYS,

Plaintiff,

v.

Civil No. 03-CV-0015

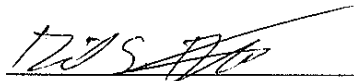
RODNEY P. LANG, CHARLES HEAD
MICHAEL BOWMAN and WYOMING
PROFESSIONAL TEACHING STANDARDS
BOARD,

Defendants.

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
DISMISSING COMPLAINT**

COMES NOW, Defendant Wyoming Professional Teaching Standards Board (the Board), by and through the Office of the Attorney General of the State of Wyoming, and pursuant to U.S.D.C.L.R. 7.1(b)(2)(D), hereby respectfully submits the attached Proposed Findings of Fact, Conclusions of Law, and Order.

DATED this 24th day of June, 2003.



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CERTIFICATE OF SERVICE

I do hereby certify that I have caused a true and correct copy of the foregoing Proposed Findings of Fact, Conclusions of Law, and Order to be sent by First Class, postage prepaid, United States mail, on this 24th day of June, 2003, addressed to the following individuals:

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OFFICE OF ATTORNEY GENERAL
STATE OF WYOMING

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

GUNNAR KAYS,)	
)	
Plaintiff,)	
v.)	Civil No. 03-CV-0015
)	
RODNEY P. LANG, CHARLES HEAD)	
MICHAEL BOWMAN and WYOMING)	
PROFESSIONAL TEACHING STANDARDS)	
BOARD,)	
)	
Defendants.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER DISMISSING
COMPLAINT**

FINDINGS OF FACT

1. The Plaintiff filed his pro se complaint on January 27, 2003.
2. The Plaintiff mailed a copy of the complaint to the office of the Wyoming Attorney General, marked to the attention of two attorneys who represented the Defendant Wyoming Professional Teaching Standards Board (the Board) in a related hearing before an administrative agency. No summons accompanied that copy of the complaint.
3. The Plaintiff did not serve a copy of the complaint on the Board.
4. The Plaintiff has failed to accomplish proper service of the summons and complaint on the Board.
5. More than 120 days have elapsed since the Plaintiff filed his complaint.

CONCLUSIONS OF LAW

1. Rule 4(m) of the Federal Rules of Civil Procedure requires that proper service of the summons and complaint must be accomplished within 120 days after filing the complaint.
2. Accordingly, this Court will dismiss the Plaintiff's complaint for insufficiency of service of process, in accordance with Federal Rule of Civil Procedure 12(b)(5).

THEREFORE, the Court orders that the above-captioned action is dismissed with respect to Defendant Wyoming Professional Teaching Standards Board.

DATED this ____ day of _____, 2003.

BY THE COURT

District Court Judge